IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11228 of 2005

Between:

Ch.Padma Raju, s/o Ayyanna,
R/o Kakinada, E.G.District.

..... PETITIONER

AND

Deputy Transport Commissioner & Secretary, R.T.A., Kakinada, E.G.District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other writ, order or direction, declaring the impugned order of respondent dt.29-3-2005 in Memo No.7023/A1/2005 as illegal and arbitrary and contrary to law and further direct the respondent to release the petitioner's bus bearing no.AP.05/Y.3335 plying on the route Sarpavaram Jn. to Vemulavada from the coverage of permit No.162/E/1952 by issuing clearance certificate forthwith enabling the petitioner to cover the said permit with another vehicle.

Counsel for the Petitioner: MR.P.RAJAGOPALA CHARY

Counsel for the Respondent: GP FOR TRANSPORT

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed by the petitioner aggrieved by the proceedings, dated 29-03-2005, issued by the respondent, whereby, the permission sought for by the petitioner for release of the vehicle from the permit to dispose of the same while at the same time to keep the permit in reserve for future usage. According to the petitioner, as the vehicle for which the permit was granted has become unroad worthy and require major repairs, the petitioner stopped the vehicle long back under the stoppage report submitted to the respondent. It is stated that the petitioner proposes to provide better facilities to the travelling public by replacing the present vehicle with another. Therefore, the petitioner made an application requesting the respondent to release the said vehicle from the permit No.162/E/1952. However, the respondent instead of releasing the said vehicle from the coverage of the permit issued the impugned order rejecting the claim for the release of the vehicle. Hence, the present writ petition.

Heard both sides and considered the material on record.

The petitioner is only seeking release of the vehicle, which has town service permit, for disposal. Though it was not represented before the

authority that he would replace the vehicle with another one it is represented before this Court that he would replace the vehicle with another one within six months from date of releasing the vehicle in question.

In the light of the above undertaking, the permit need not be kept in reserve indefinitely.

Therefore, the writ petition is disposed of modifying the order passed by the respondent and directing the respondent to release the vehicle on an undertaking being given by the petitioner that the released vehicle would be replaced by another one within six months. If the petitioner fails to replace the vehicle within six months as undertaken by him, it is always open to the respondent-authority to take appropriate action as provided under law. No costs.

(S. ANANDA REDDY, J)

Date:21-07-2005

Note:

Issue CC in three days.

B/o

ghn

To

Deputy Transport Commissioner & Secretary, R.T.A., Kakinada, E.G.District.

2 Two CCs to the Government Pleader for transport, High Court of A.P., Hyderabad. (O.U.T.)

3 Two CD copies.